

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re the Application of:	)	Group Art Unit: 3733
	)	
Kenneth Gall et. al.	)	Examiner: Merene, Jan Christopher
	)	
Serial No.: 10/598,080	)	
	)	It is hereby certified that this correspondence is being
Filed: September 7, 2006	)	transmitted to the United States Patent and Trademark
	)	Office via the USPTO electronic filing system no later
Confirmation No.: 9897	)	than 11:59 PM local time on July 29, 2010.
	)	
Atty. File No.: 076775-011002	)	Signed: <u>/Wm. Alex Furman/</u>
	)	Name: Wm. Alex Furman
	)	
For: "A GRAFT FIXATION DEVICE AND	)	
METHOD"	)	
	)	

**INFORMATION DISCLOSURE STATEMENT [37 C.F.R. § 1.56]**

Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir/Madam:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant brings the references listed on the attached Form to the examiner's attention. 37 C.F.R. § 1.56. Do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We enclose copies of any cited foreign documents. Copies of the U.S. references are not enclosed.

This Information Disclosure Statement is being submitted:

- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office action on the merits; or before the mailing of a first Office action after

the filing of a request for continued examination under § 1.114; and therefore, Applicant believes no fee is required;

- ☒ 2. After the period specified in paragraph (1) above of this section, but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, and is accompanied by either:

- ☐ a. A statement that:

- (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months before the filing of the information disclosure statement; or
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the information disclosure statement; or

- ☒ b. The fee for filing an Information Disclosure Statement under 37 C.F.R. § 1.17(p) is \$180.00.

- ☐ 3. After the period specified in paragraph (2) of this section, but on or before payment of the issue fee and is accompanied by:

- ☐ a. A statement that:

- (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months before the filing of the information disclosure statement; or

- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the information disclosure statement;

☐ b. The fee set forth in 37 C.F.R. § 1.17(i).

Applicant would appreciate the examiner initialing and signing a copy of attached Form SB-08 indicating that he or she considered the information and made the information of record.

If the transmittal letter is separated from this document and the PTO determines that an extension or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2775.

Authorization is hereby given to charge any fees due, or credit any overpayment of fees, to Deposit Account No. 50-2775.

Respectfully submitted,

Date: July 29, 2010

/Wm. Alex Furman/  
Wm. Alex Furman  
Reg. No. 61,313

Customer Number 37705  
GREENBERG TRAURIG, LLP  
1200 17<sup>th</sup> Street, Suite 2400  
Denver, CO 80202  
Phone: (303) 572-6500  
Fax: (303) 572-6540  
E-mail: denipmail@gtlaw.com